

COPY

P R O C E E D I N G S  
OF THE  
LOUISIANA WILD LIFE AND FISHERIES COMMISSION

BOARD MEETING

Tuesday, October 27, 1970

Wild Life & Fisheries Bldg.  
400 Royal Street  
New Orleans, Louisiana

Reporter:  
Debra L. Rooks



Helen R. Dietrich, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

having valid permits will be permitted on the Refuge.

16. It is desired that mutual courtesy be shown between permittees and agents of the Louisiana Wild Life and Fisheries Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Director is hereby authorized to publicize this change in regulations through the news media.

MR. ENSMINGER: The next item for your consideration is a standard right-of-way fee which you should charge for pipeline and other types of utility lines across our Wildlife Management Areas and refuge areas.

Joe Herring and I have collaborated on preparing these recommendations and feel that the following fees per rod are in line with the actual damage and value of our property. We are



recommending that rights-of-way of from one foot to 25 feet be charged at a fee of \$10.00 per rod; rights-of-way of 25 to 50 feet in width carry a fee of \$20.00 per rod; rights-of-way of 50 to 100 feet carry a fee of \$30.00 per rod; and that rights-of-way of 100 to 200 feet in width carry a fee of \$50.00 per rod.

Each of these fees would also include any timber or marsh damages in addition to the fee.

In addition to these recommendations, we also feel this Board action should be taken at this time on our game management and refuge areas. On some of our refuges the State Mineral Board advertises on a bonus basis for geophysical permits. However, on our game management areas, under which the Commission owns the mineral rights, and on our Pass a Loutre Area no set of regulations have been promoted by the Commission.

It is our recommendation at this time that a fee of \$100.00 per shot hole be charged to an oil company desiring to shoot these areas.

In addition to this, of course, any damages that were created by their activities on the area would be included in addition to the \$100.00 fee.

If this meets with your approval, I would like to so recommend.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. KYLE: So move.

THE CHAIRMAN: Moved by Mr. Kyle.

MR. WRIGHT: I second the motion.

THE CHAIRMAN: Seconded by Mr. Wright. Is there any discussion? Any objection?

(No response)

This is something we have needed for a long time.

Hearing none, so ordered.

MR. WINFREE: I would suggest, Mr. Chairman, that a copy of these new schedules be sent to the State Land Office and to the State Mineral Board so that they would have some idea when they are issuing permits, which they do, geophysical permits, to let them know what they

are faced with, to let them come before us to get their necessary permits.

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MR. WINFREE: I am talking about the shot holes. Pipeline, I have no --

(The text of the resolution is here made part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission owns considerable acreage of valuable forest and marsh lands throughout the State of Louisiana, and

WHEREAS, numerous utility companies require rights-of-way across these properties for industrial purposes, and

WHEREAS, a standard right-of-way fee is needed to properly manage these properties,

NOW, THEREFORE, BE IT  
RESOLVED that the Louisiana  
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(a) Right-of-way one  
foot to 25 feet wide, \$10.00  
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to include timber, marsh and  
wildlife:

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feet to 200 feet wide, \$50.00 per linear rod plus damage to include timber, marsh and wildlife.

Stipulations to be included in right-of-way agreement:

1. Companies having right-of-way agreement with Louisiana Wild Life and Fisheries Commission will be held responsible for employees or representative actions.
2. Employees of or representatives of company having right-of-way agreement with Louisiana Wild Life and Fisheries Commission will abide by rules, regulations and restrictions of Louisiana Wild Life and Fisheries Commission owned and or operated property.
3. Louisiana Wild Life and

Fisheries Commission will have right to work on and use right-of-way for wildlife management purposes.

WHEREAS, the Louisiana Wild Life and Fisheries Commission owns and manages large acreage of coastal marsh areas and upland wildlife management areas, and

WHEREAS, numerous geophysical permits requests are received by the Department annually, a set fee per shot hole would be helpful in managing these areas,

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P R O C E E D I N G S

. . . . The Board Meeting of the Wild Life & Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, October 27, 1970, at the Wild Life & Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Mr. J. G. Jones, Chairman, presiding . . . .

THERE WERE PRESENT:

- MR. J. G. JONES, Chairman
- MR. H. C. WRIGHT, Vice-Chairman
- MR. C. M. HOFFPAUER
- MR. C.A. GUIDRY
- MR. J. E. KYLE, JR.
- MR. HOBSON NORRIS
- MR. J. L. WINFREE
- MR. J. L. WALKER

...oOo...

A G E N D A

1. Approval of the minutes of the meetings of the Commission which were held on July 7, 1970; July 28, 1970; August 18, 1970; and September 22, 1970. (6)

2. Contract renewal of George C. Stringer, Attorney.

MR. RICHARD K. YANCEY:

- ✓3. Consider establishing a wildlife project in Monroe area in connection with Corps of Engineers' navigation plan. (7)
- ✓4. Establishment of a wildlife management area in the Pearl River Basin by St. Tammany and Washington Parishes. (12)
- ✓5. Consider State Mineral Board's plan for leasing on Commission's coastal refuges. (12)
- ✓6. Approval of payment to Ducks Unlimited. (14)

MR. ALLAN ENSMINGER:

- ✓7. Consider ingress and regress through St. Tammany Refuge. (18)
- ✓8. Consider request of Texaco for pipeline right-of-way across Salvador Wildlife Management Area. (18)
- ✓9. Opening of Joseph Harbor, only, Rockefeller Wildlife Refuge, for passage into Gulf of Mexico. (19)
- ✓10. Consider standard agreement for pipelines and power lines rights-of-way



plus damage payment. 26

MR. HARRY SCHAFER:

- ✓11. Calcasieu Lake Oyster Season, 1970-71. (32)

DR. LYLE S. ST. AMANT:

- ✓12. Closure of certain areas of Terrebonne Parish to commercial seining for fish. (35)

- ✓13. Request for permit to dredge sand from Mississippi River between Mile 227 and Mile 228 out from the West Bank by Marshland Dredging Company. (37)

- ✓14. Shell dredging operation in Marsh Island area. (39)

15. Dredging and filling operations in Lake Charles with respect to normal shoreline. (43)

- ✓16. Action taken on Pittsburgh Plate Glass dredging permit. (44)

MR. KENNETH SMITH:

- ✓17. Request for any sex deer season by Jackson Parish Police Jury. (47)

- ✓18. Request by Ouachita Parish Police Jury to void prior resolution authorizing one day any sex deer season. (49)



- ✓19. Closure of doe season in portion of Iberville Parish. (51)
- ✓20. Consider request of Ouachita Parish Police Jury to construct entrance road to Wham Brake. (54)
- ✓21. Request State Mineral Board to advertise for bids on lease of oil, gas and mineral interests in Russell Sage Wildlife Management Area. (59)
- ✓22. Consider waterfowl season on Indian Creek Reservoir in the Alexander Wildlife Management Area. (69)
- ✓23. Consideration of a lease agreement between Boise Southern Lumber Company to add 960 acres to the Sabine Wildlife Management Area. (25)

MR. CLARK M. HOFFPAUER:

- ✓24. Return of Mares' alligator skins as directed by Louisiana Supreme Court and issuance of permit with restrictions. (26)

OTHER BUSINESS.



THE CHAIRMAN: The meeting will come to order.

The first item of business concerns the approval of the minutes of the meetings of July 7, July 28, August 18 and September 22. What is your pleasure? You have been furnished with copies.

MR. GUIDRY: I so move.

MR. KYLE: I second.

THE CHAIRMAN: Moved by Mr. Guidry, seconded by Mr. Kyle. Any discussion or any objection?

(No response)

THE CHAIRMAN: Hearing none, so ordered. Mr. Winfree.

MR. WINFREE: Mr. Chairman, I'd like to say something about the minutes.

THE CHAIRMAN: All right.

MR. WINFREE: I don't know who is responsible for it but the point is that here recently we have been getting these minutes just the way minutes should be prepared. Last year I



got the minutes six months after the previous minutes but right now they are right up to snuff, and I think the people should be congratulated in getting them out.

THE CHAIRMAN: Thank you. We will proceed to Item No. 3. Mr. Yancey.

MR. YANCEY: Mr. Chairman, members of the Commission, we would like to propose that the Commission adopt a resolution which would request that the Corps of Engineers purchase a tract of land in the Bayou D'Arbonne bottom just northwest of Monroe; that this land area, which would involve some 13,000 to 15,000 acres, would be then turned over to this Commission to be managed as a wildlife management area or, in lieu of that, that it be turned over to the Bureau of Sport Fish and Wildlife to be managed as a national wildlife refuge, providing that at least 40 percent of that area would be open to hunting, as the Bureau is allowed to do under the federal statutes.

Now, what has happened on this, the Corps of Engineers is in the process of construct-

ing a nine-foot navigational channel on the Ouachita and Black Rivers. This is going to involve the installation of a lock and dam up at Columbia and another lock and dam up at Felsenthal, Arkansas, and when these locks and dams are installed it's going to then flood certain low-lying areas along the Ouachita and along some of the tributaries that drain into the Ouachita.

We feel that this is an excellent potential for establishing a real fine wildlife project in the Monroe area which would greatly enhance the hunting of ducks and waterfowl in that area.

Up in Arkansas at Felsenthal, the Corps is recommending to Congress that that area that will be flooded would be purchased at federal expense and turned over to the Bureau to be managed as a national wildlife refuge. That proposal has been endorsed by the Arkansas Fish and Game Commission. We feel that we have a similar opportunity in the D'Arbonne bottom and we would like to recommend that the Commission adopt a resolution requesting that the Corps purchase this





land and that it be developed as a wildlife area.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. NORRIS: I so move, Mr. Chairman.

THE CHAIRMAN: Moved by Mr. Norris. Do we have a second?

MR. WALKER: I second the motion.

THE CHAIRMAN: Seconded by Mr. Walker. Is there any further discussion?

(No response)

Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

WHEREAS, the U. S. Corps of Engineers is presently constructing a 9-foot navigational channel on the Ouachita and Black Rivers through the installation of certain locks and dams, and



WHEREAS, the increased water levels resulting from this project will flood certain low-lying areas along the Ouachita River and its tributaries, and

WHEREAS, several thousand acres of land will be affected along D'Arbonne Bayou northwest of Monroe between Lake D'Arbonne and the Ouachita River, and

WHEREAS, the tract of land affected by the increased water levels could serve as a basis for creating an excellent Wildlife Management Area or Refuge, and

THEREFORE BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby request that the Corps of Engineers recommend to Congress that these lands be purchased and dedicated for wildlife management purposes



to be operated through this Commission as a Wildlife Management Area or through the U. S. Bureau of Sport Fisheries and Wildlife as a National Wildlife Refuge, part of which would be open to hunting.

Description of land is as follows:

Sections 11, 12, 13, 14, 23,  
24, 25, 26, 35, 36, Township  
19 North, Range 2 East and  
Sections 7, 18, 19, 20, 21,  
28, 29, 30, 31, 32, 33,  
Township 19 North, Range 3  
East, and Section 1, Town-  
ship 18 North, Range 2 East.  
and Sections 5 and 6, Town-  
ship 18 North, Range 3 East.

BE IT FURTHER RESOLVED, that  
copies of this resolution be sent  
to the Louisiana Department of Public  
Works, to the U. S. Corps of Engineers,  
to the U. S. Bureau of Sport Fisheries



and Wildlife, and to members of the Louisiana Congressional delegation.

MR. YANCEY: No. 4 on the agenda actually requires no action on the part of the Commission at this time and I would suggest that we move to Item No. 5.

THE CHAIRMAN: Item No. 5.

MR. YANCEY: The State Mineral Board has received an application for a mineral lease on about 640 acres down on the west end of the Rockefeller Wildlife Refuge in Cameron Parish. We would like to suggest at this time that the Commission approve of their advertising of that tract of land for bids and, secondly, we would like to recommend that the Commission request that they use the same rules and regulations in connection with the possible issuances of that lease as have been used in the issuance of leases over the past eight or ten years.

Of course, those rules and regulations are incorporated into the lease in order to



control the method by which the mineral lessee would develop his lease in such a manner that it would be consistent with the Commission's Wildlife Management Program on that refuge and that the development would be carried out in such a manner that it would not be harmful to wildlife on that area.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. WINFREE: I move with the stipulation that the letter of transmittal be sent to the Mineral Board and that the director call attention to the ratification of these rules and regulations which have been used in the past.

THE CHAIRMAN: Is there a second?

MR. WRIGHT: I second.

THE CHAIRMAN: Seconded by Mr. Wright. Is there any further discussion?

(No response)

Is there any objection?

(No response)

Hearing none, so ordered.



(The text of the resolution is here made part of the record.)

WHEREAS, the State Mineral Board has received an application that a 640-acre tract, located on the west end of the Rockefeller Wildlife Refuge be advertised for bids at the December lease sale, and

THEREFORE BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby approve of this tract being advertised for bids by the State Mineral Board at its December lease sale, provided the same rules and regulations that have been used for the past several years to control mineral activities on the Rockefeller Wildlife Refuge be incorporated and made a part of any mineral lease that may be



issued, and

BE IT FURTHER RESOLVED, that representatives of the Wild Life and Fisheries Commission be present at the lease sale for consultation with members of the State Mineral Board.

THE CHAIRMAN: Mr. Yancey, would you or Mr. Ensminger be present at the Mineral Board meeting when they receive the bid?

MR. YANCEY: Yes, sir.

Next, we'd like to bring to the attention of the Commission that Ducks Unlimited is now eligible for the final payment of some \$32,477.50 that is authorized under the Louisiana statutes. Now, of course, the Commission has been making these allocations to Ducks Unlimited for a number of years and, in order that some of this money can be put into the restoration, management and preservation of areas in Canada that produce ducks that winter here in Louisiana and provide the wonderful hunting opportunities that we have



in this state, we would like to recommend at this time that the Commission approve of this final payment on the '69-70 hunting license receipts to Ducks Unlimited.

THE CHAIRMAN: What is your pleasure?

MR. WRIGHT: Mr. Chairman, I so move.

THE CHAIRMAN: Moved by Mr. Wright. Is there a second?

MR. KYLE: I second the motion.

THE CHAIRMAN: Seconded by Mr. Kyle. Is there any further discussion?

(No response)

Is there any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

X WHEREAS, in accordance with law,  
R. S. 56:104 E (1) the Louisiana  
Wild Life and Fisheries Commission  
has dedicated funds to be granted





to Ducks Unlimited, Inc. for the development and preservation of breeding grounds for migratory waterfowl in Canada, and

X WHEREAS, the Louisiana Wild Life and Fisheries Commission has previously made an advance payment of \$50,000.00 to Ducks Unlimited, Inc. on the 1969-70 hunting licenses sold in Louisiana, and

THEREFORE, BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby give approval to grant Ducks Unlimited, Inc. the balance due in the amount of \$32,477.50. The total number of hunting licenses sold in Louisiana was 329,910 with 25 cents of each hunting license sold amounting to a total of \$82,477.50, making a balance due in the amount of \$32,477.50 for 1969-70 hunting



licenses sold in Louisiana, and

BE IT FURTHER RESOLVED, that the Director be, and he is, hereby authorized and empowered to sign any and all documents in connection therewith.

MR. YANCEY: I have one more item that developed just before the Commission meeting. Senator Charles Brown of Madison Parish called and requested on behalf of the Franklin Parish Jury that a change be made in the deer seasons in Franklin Parish. In analyzing the request it is quite apparent that this would actually constitute a major change in the deer hunting regulations in that parish. It would actually advance the opening of the deer season from November 21 up to November 7, and it would eliminate this area which has been open for still hunting only for the last three or four years by the Commission.

I pointed out to Senator Brown that these last minute changes were very difficult to



get across because the Commission has published some three or four hundred thousand pamphlets, we have put out news releases and so forth, and to make last minute changes usually leads to a lot of confusion. He did ask that I bring this to the Commission's attention so at that point -- as I pointed out to him, I personally did not think it would be, you know, desirable to make a last minute change of that magnitude because it is a substantial change.

THE CHAIRMAN: Is there any desire on the part of the Board in taking the action?

MR. WINFREE: I recommend taking no action.

THE CHAIRMAN: O.K. We'll leave it. Thank you.

Mr. Ensminger.

MR. ENSMINGER: Mr. Chairman, gentlemen of the Commission, the first two items on the agenda, Items No. 7 and 8, will not require Board action at this time.

Item No. 9 deals with the problem of

access through certain canals and bayous on our Rockefeller Wildlife Refuge. Several years ago the Commission opened up portions of the refuge to sport fishing in the summer months in accordance with the deed of donation under which we received this area. During the past two or three years we have received increasing requests by sport fishermen to utilize certain channels on the area during the winter months for sport fishing. We have reviewed these various requests and find that we can permit access through the refuge under certain controlled conditions.

I would like to recommend this be permitted and that the changes be incorporated into our original regulations for sport fishing on the refuge and that the area be opened for wintertime fishing at this time.

MR. KYLE: So move.

THE CHAIRMAN: Mr. Hoffpauer.

MR. HOFFPAUER: Just a point of information, Al. Are you talking about Joseph Harbor only?



MR. ENSMINGER: The major thing in this, Clark, would be access through the Humble Canal and Joseph Harbor into the Gulf, and then additionally that the sport fishermen be permitted to come back in from the Gulf side in the five or six natural bayous that penetrate into the refuge and come inland only as far as the existing water control structures, and these are incorporated into the resolution.

MR. WINFREE: I think you should stipulate in there that there would be no taking of oysters in there except those that eat on the ground.

MR. ENSMINGER: That would be included in the resolution, Mr. Winfree. We have also had a recent problem with individuals bringing bows and arrows on the refuge. The original regulations prohibited the use of any firearms on the area but since that time bows and arrows have become popular for taking deer and we do not feel that they should be permitted on the refuge.

THE CHAIRMAN: Will you have any other

water control structures during the winter?

MR. ENSMINGER: No. These will all be closed and the purpose for that is, of course, to maintain water in the marshes behind these structures. At the present time we have them all open trying to get rid of water down there but later on the winter will be a problem.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. KYLE: I so move.

MR. WRIGHT: I second.

THE CHAIRMAN: Moved by Mr. Kyle, seconded by Mr. Wright. Is there any other discussion?

(No response)

Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

WHEREAS, the Louisiana Wild

Life and Fisheries Commission has received increasing numbers of request for utilization of water areas on the Rockefeller Wildlife Refuge for recreational sport fishing during the winter months, and

WHEREAS, this would not be in violation of the Deed of Donation under which this property was received by the State,

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby adopt the following rules and regulations governing the use of the Refuge for sport fishing.

1. The visiting season for sport fishing purposes on the Rockefeller Wildlife Refuge will extend from March 1 through October 1, throughout the Refuge



and shall also include access through the Humble Canal and Joseph Harbor Bayou for sport fishermen during the period October 1 through February 28. In addition to this access, sport fishermen shall be permitted to enter the Refuge from the Gulf side in Rollover Bayou, East Constance Bayou, East Little Constance Bayou, Big Constance Bayou, Little Constance Bayou. Access through these bayous will be permitted only as far inland as the existing water control structures. The remainder of the Refuge shall be restricted during the winter months and will be closed to all trespassing.

2. Permits will be





effective from sunrise to one hour before sunset each day.

3. The permits will be issued on an impartial basis by Refuge personnel.

4. Overnight camping is prohibited.

5. Permits issued on a permanent basis until revoked or violation of Refuge regulations.

6. Permittee must agree to return any manual water control gates to the same position as found before passage.

7. Bringing firearms, bow and arrows and liquor on the Refuge is prohibited.

8. All hunting is permanently prohibited.

9. The burning of the marshes is prohibited.



10. Permittee will not molest or disturb any form of wildlife on the Refuge. Oysters shall not be removed from the Refuge.

11. Permittee will maintain travel at a minimum through the Refuge. Boats should be operated so as to create a minimum of wave wash.

12. Speed boat racing and water skiing is prohibited.

13. No trawling for bait will be permitted. Trammel and gill fish nets are prohibited.

14. All authorized employees of the Louisiana Wild Life and Fisheries Commission will have the authority to stop and search any boat at any time.

15. Only those individuals



having valid permits will be permitted on the Refuge.

16. It is desired that mutual courtesy be shown between permittees and agents of the Louisiana Wild Life and Fisheries Commission.

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Fisheries Commission will have right to work on and use right-of-way for wildlife management purposes.

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WHEREAS, numerous geophysical permits requests are received by the Department annually, a set fee per shot hole would be helpful in managing these areas,

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby adopt a standard fee of \$100.00 per shot hole for geophysical activity on Commission-owned game management areas.



THE CHAIRMAN: Mr. Schafer.

MR. SCHAFFER: Mr. Chairman, members of the Commission, we are recommending the annual opening of the Calcasieu Lake to an oyster tonging season. The recommendations are the same as they were last year, the only exception being that we are cutting about six weeks off the season because last year there was an indication of over-harvest.

We would like to have the right to look at it after the season is set and, if it can be extended, we would like to extend it for a length of time up to six weeks in '71.

We are recommending that it be opened on November 1 through February 28; that the oyster fishing be limited to the use of tongs during the daylight hours and that the Calcasieu Lake be open, not including Calcasieu River, the ship channel, East Fork, West Fork and Oyster Bayou. These are closed because of the bacterial count. We have checked with the Health Department and they have run a survey out there and have declared



the area that we want open clean. We have also checked with Bob LaFleur and he informs us that there is no mercury in any of the oysters there. All the commercial fishing of oysters shall be done only with the proper license.

THE CHAIRMAN: You have heard the recommendations. What is your pleasure?

MR. WRIGHT: I so move.

MR. KYLE: I second.

THE CHAIRMAN: Moved by Mr. Wright, seconded by Mr. Kyle. Is there any discussion? Any objection?

(No response)

Hearing none, so ordered.

Thank you, Harry.

(The text of the resolution is here made part of the record.)

WHEREAS the Commission biologists, the Acting Chief of the Oyster Division, and the Chief of the Water Pollution



Control Division have recommended the fishing of the oysters of Calcasieu Lake including the West Cove area with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou, and

WHEREAS the State Department of Health has examined the growing waters of this aforementioned area and approved the waters for fishing oysters,

NOW, THEREFORE, BE IT RESOLVED by the Louisiana Wild Life and Fisheries Commission, at its regular monthly public meeting on Tuesday, October 27, 1970, that the Calcasieu Lake Oyster Season for 1970-71 be set in accordance with the following rules and regulations:

(1) That the oyster season in Calcasieu Lake be



fixed to extend from daylight Sunday, November 1, 1970, through sunset Sunday, February 28, 1971, with the right being reserved to extend said season if biologically justifiable;

(2) That oyster fishing be limited only to the use of tongs and to daylight hours;

(3) The open areas shall be confined to Calcasieu Lake including the West Cove area, with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed;

(4) The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter



of the reefs to provide for expansion and future harvesting;

(5) The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day;

(6) All commercial fishing of oysters shall be done only with proper licenses.

BE IT FURTHER RESOLVED that, since said season is approximately six weeks shorter than the previous season, the Director is hereby authorized and empowered to extend the season, if biologically sound. An evaluation of the existing conditions should be made prior to the closure on the 28th of February, and if justifiable, an extension would be in order.

THE CHAIRMAN: Dr. St. Amant.

DR. ST. AMANT: Mr. Chairman, members



of the Commission, we have five items, I think it is.

Item No. 1 deals with the request by certain individuals in Terrebonne Parish and through resolutions of the Police Jury of Terrebonne Parish to close a portion of that parish to commercial fishing for fresh water fish, as designated on the attached map, and also to close the fishing commercially for salt water fish within a half mile of certain islands on the coast.

This request has come about by the fact that during the recent legislature there were certain bills introduced that would have closed the entire parish to commercial fishing. We felt that this was a rather stringent change in the activities down there and prevailed on these people to let us consider only the closure of certain areas for experimental purposes provided that they could develop a consensus of opinion in the parish which went along with these closures. Presumably the action of the police jury would indicate this. There is some evidence, however,



that there is a considerable amount of commercial salt water fishing by fishermen in the parish and it's possible that we perhaps should study this a little bit longer.

THE CHAIRMAN: I understand your recommendation is that we take no action now, that we study the map.

DR. ST. AMANT: I believe that we should delay this about 30 days and let us gather some more information in order to avoid any real conflict of interest in the area.

THE CHAIRMAN: O.K. Unless I hear some objection then, we will eliminate the matter.  
No. 13.

DR. ST. AMANT: The second item is a request for a permit by the Marshland Dredging Company to dredge for sand and fill material in the Mississippi River between Mile 227 and Mile 228 on the west bank of the Mississippi. This request met all the requirements set forth by the Commission and I would suggest that we grant the permit.





THE CHAIRMAN: What is your pleasure?

MR. KYLE: I so move.

MR. WRIGHT: I second.

THE CHAIRMAN: Moved by Mr. Kyle,  
seconded by Mr. Wright. Is there any further  
discussion?

MR. WINFREE: Where is Mile 227?

DR. ST. AMANT: It's in the general  
vicinity of Port Allen, below the lock.

MR. WINFREE: In the Baton Rouge area?

DR. ST. AMANT: Yes.

THE CHAIRMAN: Is there any further  
discussion? Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution  
is here made part  
of the record.)

BE IT RESOLVED that the  
Louisiana Wild Life and Fisheries  
Commission does hereby grant per-  
mission to Marshland Dredging



Company to dredge sand from the Mississippi River between Mile 227 and Mile 228 out from the West Bank.

BE IT FURTHER RESOLVED that the Director be and he is hereby authorized and empowered to sign any and all documents in connection therewith.

THE CHAIRMAN: No. 14.

DR. ST. AMANT: Gentlemen, Item 14 deals with the dredging of shell, or shell dredging operations, in the vicinity of Marsh Island.

Most of you are aware of the fact that we have had numerous requests or complaints or letters of concern about the fact that Lake Charles Dredging and Towing Company appears to be operating in the area of Marsh Island that they have under lease. Many of the sport fishermen in the general public feel that if it is dredged up, it will in some way affect their



recreational activities in the area and possibly cause some problems with the erosion on the shore of Marsh Island.

By way of review I might point out that the particular lease under which Lake Charles Dredging and Towing is operating is actually a joint lease, also held by Radcliffe, who is not operating in the area. This lease originated somewhere back in the 1920s and has been transferred on, reactivated throughout the years. It has always granted the lessee the right to dredge to the boundaries of the State of Louisiana, which is presumably three miles offshore from the shoreline.

Until recently there have been absolutely no activities out in the open water but in the past eighteen months apparently Lake Charles Dredging and Towing has been actively surveying the area. They have had boats in there. They have been running transit transverses across the area and, no doubt, they are also doing some depth studies to determine the amount of shell



in the area. Mr. Cicutus of the Lake Charles Dredging has assured us several times that there is no intention of dredging in this area at least for three to five years. This apparently does not satisfy the public at this time.

I suggest that Mr. Cicutus present us in writing his position on this and when he plans to dredge, or so state the fact that he doesn't plan to dredge within three to five years; also to develop a plan for dredging in the area that would be acceptable from an engineering and a geophysical standpoint in order to protect the area both biologically and from any type of erosion. If we can obtain such a statement from this company, then I would also suggest that the Wild Life and Fisheries Commission contract to have certain studies done, perhaps by the Coastal Studies Institute or other independent agencies, to determine what dredging in this area might do to the area. These are my suggestions; they are not recommendations. I am trying to develop a position here that would at least satisfy the



public for the time being.

MR. KYLE: Mr. Chairman, I suggest that we turn this over to the Director.

MR. WINFREE: Talk into the microphone.

MR. KYLE: I suggest we turn this matter over to the Director and let him see what he can work out and bring it back to us in the next meeting.

THE CHAIRMAN: As I understand, Mr. Cicutus is to give us a letter, and if we get that letter, then you propose you will come back with a recommendation?

DR. ST. AMANT: It is my understanding he plans to present us with some information. He verbally told the group --

MR. WRIGHT: He said this this morning before he left?

DR. ST. AMANT: -- yesterday that's what his plans were. He has taken this position a number of times, that they don't plan to dredge there for at least three to five years, and they have always taken this position. Apparently, the



public interests in that area are not satisfied with a verbal position. Perhaps we need something in writing.

MR. WRIGHT: He said he'd send it.

THE CHAIRMAN: Unless I hear some objection, we'll defer the matter until the next meeting, pending receipt of that letter from Mr. Cicutus.

DR. ST. AMANT: The next item deals with a dredging permit which this group issued to Mr. Sonnier and another group in the Lake Charles area to dredge from the bottom of Lake Charles and to fill certain land that they plan to develop along the shore. This contract was consummated and signed and we had the bond on it but apparently Mr. Sonnier never really exercised it, nor did he ever dredge from the lake bottom. Instead, he filled in his land by hauling material in from another source by vehicle and, in the process, he extended his land out into the lake bottom a matter of 30 or 40 feet which, technically, he should not have done.



Since he did not fulfill the contract with us and did not dredge from the lake bottom, this appears not to be a problem of the Wild Life and Fisheries but rather one of the state land office. I would recommend that we cancel our permit with this group since they have not exercised it and do not plan to and that we notify the state land office that this group has extended their land out into the lakeshore perhaps 30 feet, lake bottom, and let them take the appropriate action.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. WINFREE: I so move.

MR. KYLE: I second.

THE CHAIRMAN: Moved by Mr. Winfree, seconded by Mr. Kyle. Is there any discussion? Any objection?

(No response)

Hearing none, so ordered.

No. 16.

DR. ST. AMANT: The last item has to do with some correspondence with Pittsburgh Plate



Glass Company in Lake Charles. Several months ago we granted to this company a permit to dredge for fill material associated with their construction of a docking facility. The letter indicated to us that they wanted to dredge several hundred thousand yards of material, and we granted them a permit from which they would have to pay us two and a half cents a yard royalty on this dredge and fill material.

When we sent the contract to be signed, they came back through this law firm and said that they did not think they wanted that kind of a permit, all they wanted was permission to dredge for navigational purposes, and they didn't plan to pay the two and a half cents.

We turned this over to our legal people. Mr. Duffy wrote to them and they still take the position that they don't owe us this money. I checked with the Corps of Engineers to determine when an engineering permit had been issued and they said that it was issued based on our original action, which would be the normal procedure;





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since we issued them a contract, we then posed no objection to their dredging.

The situation, as it stands now, is simply this: if they have not dredged, presumably we can prevail on them to not dredge, or we can prevail on the court to perhaps notify them that we oppose the action. If they have already dredged the material, then the only recourse is through civil suit to recover our royalty. I had one of our personnel in Lake Charles yesterday go out and examine the area and he said he could not determine that there had been any fill removed but the letter from the company indicates that the soil was deposited on land owned by Pittsburgh Plate Glass, so there is some conflict of opinion here.

I plan to be in that vicinity next Wednesday, a week from tomorrow, and make a personal examination of it and then I think we then will turn it back over to the legal staff and let them handle it.

THE CHAIRMAN: Do you not ask any Board action?



DR. ST. AMANT: I don't think there is any except if you want us, we can direct the legal staff to handle it in the best manner.

MR. WINFREE: And you have already told them to do that, in fact.

THE CHAIRMAN: Thank you.

Mr. Smith.

MR. SMITH: Mr. Chairman, members of the Commission, the first item of business we have here is a request by the Jackson Parish Police Jury that this one day either-sex season which was originally set in Jackson Parish be cancelled.

Now, in the original request the Jackson Parish Police Jury requested that the one day season be held conditional to the other parishes surrounding Jackson Parish being open for the same season. Now, we have had other parishes which have not opened and other parishes which have indicated they were to close, so in this case since -- well, Ouchita or Jackson Parish has made this request and they do have



the veto power as granted by the legislature in this matter.

THE CHAIRMAN: What is your pleasure, gentlemen? Do you want to grant this request?

MR. KYLE: I so move.

THE CHAIRMAN: Moved by Mr. Kyle. Is there a second?

MR. GUIDRY: I second.

THE CHAIRMAN: Is there any further discussion?

MR. KYLE: Mr. Chairman, I think we ought to make this plain that we are merely following the law, that we have no choice in it.

THE CHAIRMAN: O.K. Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

WHEREAS, the Jackson Parish Police Jury passed a resolution approving a one-day either-sex



season provided all surrounding parishes approved the same season, and

WHEREAS, Winn Parish, adjoining Jackson Parish, did not approve the one-day either-sex season, and

WHEREAS, Ouachita Parish, another adjoining parish, has voted to close their one-day season, and

WHEREAS, Jackson Parish has the legal authority to veto doe seasons,

THEREFORE, BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission close the one-day either-sex season previously established for November 21, 1970 for Jackson Parish.

THE CHAIRMAN: No. 18.

MR. SMITH: The next item is a similar resolution from the Ouachita Police Jury. They



had also submitted an earlier request that the one-day either-sex deer season be held if the other parishes went along with it. Now, in this case, Jackson Parish has pulled out and the other parish has not gone along with it and, in light of this, they are requesting that this one-day either-sex season be also cancelled, and Ouachita Parish also has legal veto power in these matters.

THE CHAIRMAN: What is your pleasure?

MR. NORRIS: I so move.

MR. WRIGHT: I second.

THE CHAIRMAN: Moved by Mr. Norris, seconded by Mr. Wright, that we grant the request because of the veto power of the police jury. Is there any further discussion? Any objection?

(No response)

Hearing none, so ordered.

WHEREAS, the Ouachita Parish Police Jury had originally approved a one-day either-sex deer season, conditional on the opening of the



same season in surrounding  
parishes, and

WHEREAS, the Ouachita  
Parish Police Jury voted on  
September 21, 1970 to repeal  
any prior resolution authoriz-  
ing either-sex seasons,

THEREFORE BE IT RESOLVED,  
that the Louisiana Wild Life and  
Fisheries Commission close the  
one-day either-sex season pre-  
viously set for November 21,  
1970 in Ouachita Parish.

THE CHAIRMAN: No. 19.

MR. SMITH: Our next item pertains to  
a request from the Iberville Parish Police Jury.  
Now, the thing involved here, this is a club which  
back in the summer had requested some of our field  
people to look over their property to see if they  
had enough deer to take some doe deer off the  
area in the coming season.

Now, we did check it over and we found



that they could take, say, up to 25 doe deer in addition to the number of bucks they normally take. Well, of this 2,800-acre tract, about 600 acres lie in Iberville Parish and the other 2,200 in West Baton Rouge Parish. The Iberville Parish Police Jury does not want an either-sex season of any kind in Iberville Parish.

Now, this only concerns about 600 acres. The deer population is high enough to stand a 25 doe deer removal; it is not critically high. The club involved has been contacted on this land and they have no objection to waiting another year and, since such a small acreage is involved, there is no problem involved here. In this case, there would be no harm in waiting another year till we get this thing resolved in this matter.

THE CHAIRMAN: Do I understand you recommend we close the season in that portion of Iberville?

MR. SMITH: The 600 acres, yes, sir.

MR. WRIGHT: Since it is in the program Mr. Chairman, I recommend that we close the 600 acres.



THE CHAIRMAN: Moved by Mr. Wright.

MR. KYLE: Second.

THE CHAIRMAN: Seconded by Mr. Kyle.

Is there any further discussion? Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

WHEREAS, a resolution has been received from the Iberville Parish Police Jury to close approximately 600 acres in Iberville Parish which was opened earlier for a two-day any doe season, and

WHEREAS, the deer population on a 2,800-acre club tract (2,200 acres in West Baton Rouge Parish and 600 acres in Iberville) had been determined by Commission biologists to be adequate for harvesting 25 doe deer in addition to the normal buck harvest, but not critically





overpopulated, and

WHEREAS, the deer club and biologists involved have agreed a delay of one year in harvesting doe deer in this portion of Iberville Parish would not be detrimental to the deer herd,

THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission close the two-day either-sex deer season as established earlier for the 600-acre tract in Iberville Parish.

THE CHAIRMAN: No. 20.

MR. SMITH: Our next item, we have a request from the Ouachita Parish Highway Department for a 60-foot right-of-way across a quarter-mile of Russell Sage Wildlife Management Area.

Now, the reason for this request, they have proposed to construct a road across the quarter-mile, a parking area at the dam at Wham

Brake and a boat launching ramp. The road presently in use is on private land and will shortly be closed off to the public. They are proposing to provide another access into Wham Brake which would be the only way the duck hunter could get in there. This road or location of the boat ramp will be sealed off on each end of the levee by gates on each side so the hunter won't damage the levee that has been constructed by the International Paper Company.

We would like to recommend that this be approved, Mr. Chairman, with these stipulations: that we have keys to the gates so we can have access up and down for our own personnel; that no secondary road be constructed off this road without Commission approval; and that the police jury maintain and police the boat ramp and parking area.

MR. WINFREE: Mr. Smith, let me ask you this. You are talking about locking the gates and you are asking for keys for our personnel. How are the hunters going to get in there? Where



are they going to get the keys?

MR. SMITH: No, what this does, Mr. Winfree, this simply goes over the levee into Wham Brake. They won't need to go up and down the lake because the road will go up to the levee. The parking area is to be constructed on the land side of the levee. Then there would be a road over the levee and a boat ramp on the water side of the levee for people to get into, so they won't need access on the levee to get into the lake.

MR. WINFREE: Well, we are not granting the right-of-way to the lake?

MR. SMITH: No, sir. That has been constructed by the International Paper Company but it has been constructed on our property.

MR. WINFREE: I see.

THE CHAIRMAN: Is there any other discussion? You have heard the recommendation. What is your pleasure?

MR. NORRIS: I so move.

MR. WRIGHT: I second.

THE CHAIRMAN: Moved by Mr. Norris,



seconded by Mr. Wright. Is there any further discussion? Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made part of the record.)

WHEREAS, the Ouachita Parish Police Jury has requested a 60-foot right-of-way across one-fourth mile of the Russell Sage Wildlife Management Area in Section 4, Township 18 North, Range 4 East, to the Wham Brake levee maintained by the International Paper Company, and

WHEREAS, the road presently being used by duck hunters is on private land and will be closed to public travel soon, and

WHEREAS, the Ouachita Parish Police Jury has proposed to construct a boat



ramp on the water side of the levee and a parking area on the land side at no cost to the Louisiana Wild Life and Fisheries Commission,

THEREFORE BE IT RESOLVED  
that the Louisiana Wild Life and Fisheries Commission hereby approves the request provided the following conditions are agreed to:

1. The Commission receive keys to any gate constructed on our property and that we have access along the levee when performing routine patrol duties;

2. That no secondary road be constructed on Commission property without prior Commission approval;

3. That the Ouachita



Parish Police Jury police and maintain the parking area and boat ramp.

MR. SMITH: The next item pertains to a request by interests that the Wild Life and Fisheries Commission advertise for lease a certain tract on the Russell Sage Wildlife Management Area. Mr. Chairman, since our attorney, Mr. Duffy, is familiar with the background of this request, I'd like to ask that Mr. Duffy discuss this point with you at this time.

THE CHAIRMAN: To start with, Peter, is this the same one we have been talking about?

MR. DUFFY: This is the same one that we have been talking about for three years.

THE CHAIRMAN: Have we got anything new?

MR. DUFFY: Well, yes. Let me say this, Mr. Chairman, and members of the Commission, since Mr. Fryer's visit with us last, I think it was March, regarding action that we had taken at their request -- when I say "their" I am making

reference to the purported private mineral owners of one-half of the mineral rights on the Russell Sage tract -- we prepared at their request, back in December of 1968, an instrument wherein we released this right to management. Then Mr. Fryer, evidently in negotiating with potential lessees, discovered that the instrument creating a trustee or a trust in which his father was named trustee, was deficient to this extent, that even though the mineral interests might be turned over to him as trustee, the instrument didn't give him the authority or power to lease this management right.

The Ouachita Corporation, which was the original mineral owner, has long since been liquidated and the stockholders of the Ouachita Corporation are widespread and possibly, in many instances, unknown to Mr. Fryer and to a group of interested parties.

I conferred at length subsequently with a Mr. Neal Dixon, who was retained by one of the potential lessees, a person interested in maybe



trying to develop a mineral interest on this land, to examine the mineral title and determine whether or not as lessee he would receive a bona fide title.

After his examination he concluded that he would not if he had to lease these mineral rights from Mr. Fryer, as trustee, but that he thought that he would get a valid title if he leased the minerals from the Wild Life and Fisheries Commission, as owner of one-half and as manager of the other half.

After discussing this at length with Mr. Neal Dixon, there was returned to me the three originally executed instruments which I prepared on behalf of the Commission back in December of 1968. At this time the only thing that I would ask is that the Commission consider -- and it is only because in prior meetings with the Commission there were members who expressed a desire that we should attempt to develop the area if it could be developed on behalf of the Commission, even though it may entail some





inconvenience from administering the privately owned minerals. I don't know whether or not the Mineral Board has a policy which would enable them to offer or accept bids for leasing the privately owned part of the minerals. That is something on which the law is not clear. We have as a state agency the right to go to them and ask them to advertise for bids in our interests.

At this point, I would recommend to the Commission, provided certain conditions are met by those who are interested from the private ownership point of view, that we reconsider the actions that we took two years ago. The reason I say this is not out of deference for the private owners but out of deference for the Commission because it is my understanding, with the limited background and knowledge that I have about mineral law, that this lessee, or any future lessee that's going to seriously consider developing this land, will want to be guaranteed that they will have -- they will be dealing with the lessees or the owners of the land. I don't believe that,



except for maybe A. B. Fryer or some other private interests there, there would be any bids that would be acceptable to the Commission.

It would be my recommendation that we possibly reconsider and recall the transfer of the privately owned interests to Mr. A. B. Fryer as trustee for the stockholders of the now liquidated Ouachita Corporation, provided, of course, this instrument can in fact be released by him and provided, of course, that we will be held harmless for any actions that we might have taken up until this point. Then I would suggest or recommend to the Commission that we explore whether or not the Mineral Board would be interested in accepting bids on the mineral interests of the entire tract, our half as well as the privately owned interests.

The reason I recommend this is that I am not too sure that the right to manage it, as created in the instrument back in December of 1968, that we do not have some judiciary relationship that may be recognized by the courts



of our state and, in actually taking some steps to protect the property owner individuals.

I do feel that we have done that up until the present and it would be only with that in mind that I would suggest that we reconsider at this point and recommend to you, reconsidering the transfer and release of the mineral rights previously given to Mr. A. B. Fryer, Jr., as trustee for the Ouachita Corporation, provided, of course, we can get this complete hold harmless agreement and complete release from him in his capacity.

Other than that, the principal reason prior to now that we haven't exercised the rights of management have been because of the administrative headaches that the Mineral Board envisions that could develop.

THE CHAIRMAN: Really, a portion of that headache would be transferred to the lessee, wouldn't it, because the lessee is going to want to be sure that he's paying the right people in the event of production?



MR. DUFFY: That is correct but I think probably once we get this part back, the lessee would be willing to deal with us along a line that would be most beneficial to the Commission.

MR. WINFREE: Mr. Chairman, I'd like to ask you a question. What did he say?

(Laughter)

THE CHAIRMAN: What he's really saying is about three months ago he talked to us about it and we put the monkey right back on his back again.

MR. WINFREE: That's what I thought he said.

THE CHAIRMAN: We put it on his back again to go back out and take another look at it, and I think he's taken the look and --

MR. WINFREE: Mr. Duffy, your career's made, it seems.

THE CHAIRMAN: I think we could add a little bit to his recommendation and say, well, why don't we just have the administration problems that they all talk about, have them handled by the legal section so that if there are any created



it would be for Mr. Duffy and Mr. Stringer to handle them.

MR. WINFREE: Mr. Duffy, going back to the point you raised about the Mineral Board, they have in the past done this thing. They did it in the case -- it was some 2,900 acres, and they don't like to do it but they also did it at an area down here in Barataria. I have forgotten that area, whatever it was, the same amount, and it created havoc and it still is because the burden of proof on furnishing the ownership of a tract of land, who is that on? If we disburse it and we pay it to the wrong man, then we are liable, so is the court going to decide who owns it? It has to be done. The Mineral Board has, but you may have trouble to get them to do it again.

MR. DUFFY: Well, I think -- I am not too sure, and that's one of the considerations, I think, and responsibilities that are vested upon this Commission in having to develop the land that they own, both from a wildlife point of view and also from a mineral resource point of view.



I don't think that we can necessarily kind of sidestep this responsibility. I don't mean to reflect anything on the part of the Commission by saying "sidestep." We have got this instrument that we have to work with and unfortunately there is no one sitting on the Board that was sitting on the Board at the time the instrument was created.

Unfortunately, it has these provisions and we have to work with it, and I just don't feel -- maybe I am mistaken, I am not really versed in mineral law -- that we will be able to manage the mineral rights that we have unless we are able to manage --

MR. WINFREE: You haven't filed a clear title to the lessee yet, there's no doubt.

MR. DUFFY: That is correct. That is correct. At this point the only clear title -- the lessee that I am dealing with, anyway -- now we might deal with another man that will say yes. I don't think the instrument is worth a darn, anyway, initially. Well, that's a different bargain but I know this month that we have gotten



an indication from an attorney for a current lessee who's indicated that he would be willing to deal with the Commission based upon the instrument back where we received the land, but he wouldn't be willing to deal with anybody else.

MR. WINFREE: And bear in mind again that this Commission is not in any position to delve out money rights of private individuals.

MR. DUFFY: No. The only thing that we could do, or would do, would have to be to seek a declaratory judgment, not we take the initiative but just deposit in escrow.

MR. WINFREE: Mr. Chairman, I agree. Let him work it out.

THE CHAIRMAN: I think he's taken another step forward now, as far as I am concerned, going the right direction. We can always stop.

MR. DUFFY: That is correct. We can.

THE CHAIRMAN: If we get too tangled up, you get us out.

MR. SMITH: I am sure glad he got that straightened out.



MR. WINFREE: Do you remember what he said so I can tell Mr. Herring next week?

THE CHAIRMAN: Peter, did you ever find out if that man ever got your letter up in Monroe that says he never got your instrument?

MR. DUFFY: Yes. Well, I got the instruments back.

MR. SMITH: Mr. Chairman, I have two more items on the agenda. We have a request to consider waterfowl season on the Indian Creek Reservoir which has been constructed on the Alexander Wildlife Management Area. Now, this reservoir is filling. We did not know it would have enough water in it at this time to establish a waterfowl season so it was not brought up in the past, but there is interest in the season up there. The Alexander State Forest people are interested in the season and we would like to recommend to the Commission that a waterfowl season beginning November 7 through 15 and then December 12 through January 12, a total of 41 days, be set.

MR. WALKER: December 12 through what?





MR. SMITH: To January 12.

THE CHAIRMAN: Well, why are you quitting the first part of that?

MR. SMITH: We had a controlled hunt up in here, Mr. Chairman, and we have to count these deer on the area. This will be either-sex hunting and we feel that an influx of waterfowl hunters may make it almost impossible to handle the count on the area. That's the reason we suggested we give up these few days of waterfowl hunting.

MR. WALKER: Mr. Chairman, I have a question.

THE CHAIRMAN: Mr. Walker.

MR. WALKER: Does the Commission have the right, legal right, to cut the waterfowl season in different parts of the state?

THE CHAIRMAN: In answer to that, I think we have the absolute right to control the hunting on our wildlife management areas. I don't think we could increase the federal framework --

MR. WALKER: No.

THE CHAIRMAN: -- but we certainly have



the right to limit in any extent on our own property and our own area or even all of them.

MR. WINFREE: Mr. Smith, how large an area? We have talked about it and you said this reservoir was created by some structure that was apparently placed there and you said there was never waterfowl hunting on it before. How large a water area is this?

MR. SMITH: Well, it probably won't be filled, Mr. Winfree, by the time waterfowl can get there, but there will be some areas with water on it that probably will attract waterfowl. This is about, as I recall, about a 3,500-acre or 4,000-acre area. It's going to take up a large part of Alexander Forest Wildlife Management Area.

MR. WINFREE: Well, don't you believe that with the duck season being imminent, it would lead to some problems for the hunters getting out there and preparing their blinds? The point I am making is, I am rather questionable about splitting their duck season. If you are going to open this to the public, then I think there should be



no restrictions. It may be a little hard for our enforcement people to run this control deer hunt, that's true, but since this is the first year, I just don't believe you are going to have that many hunters out there. I just question the propriety of trying to split the season and not giving it an open season all the way on it. From an administrative viewpoint, is that what it is?

MR. SMITH: Well, that is, of course, if the season is split. I think what you are referring to is the reduction of the season by a few days.

MR. WINFREE: That's it.

MR. SMITH: Well, this was what the people in the field recommended, who worked with the area closely. Of course, I passed the word so that they had discussed with us as far as the type of hunting and preparing blinds. This is one of the management areas and we do discourage -- in fact, we prohibit -- permanent waterfowl blinds on this area.

MR. WINFREE: Well, that just bears out my contention more. From what I understand,



those people in central Louisiana only get an early flight of mallards coming in there, anyway. If you cut their season down, they are going to be penalized. How many days are you talking about?

MR. SMITH: Well, we would be cutting about 14 days off the season, if this is approved.

MR. WINFREE: I just feel like our people have to work a little bit harder but I just believe they ought to be allowed to hunt the full time --

MR. SMITH: Yes, sir.

MR. WINFREE: -- in that area up there because the ducks leave and go to southwest Louisiana, and let them get a crack at that first

MR. SMITH: Yes, sir.

MR. WINFREE: That's just my opinion.

MR. WRIGHT: Is that in the form of a motion?

MR. WINFREE: I'll put that in a motion.

MR. WRIGHT: I'll second it.



THE CHAIRMAN: As I understand it, it's been moved by Mr. Winfree that we have a waterfowl season on the Indian Creek Reservoir in the Alexander Wildlife Management Area to be concurrent with the statewide open season, and seconded by Mr. Wright. Any discussion?

(No response)

Any objection?

(No response)

Hearing none, so ordered.

(The text of the resolution is here made a part of the record.)

WHEREAS, the newly constructed dam on the Indian Creek Reservoir on the Alexander Wildlife Management Area is causing the reservoir to fill with water, and

WHEREAS there is interest among local hunters that a waterfowl season be established by the Louisiana Wildlife and



Fisheries Commission during  
the coming season.

THEREFORE BE IT RESOLVED  
that a waterfowl season be estab-  
lished on the Indian Creek  
Reservoir during the regular  
statewide waterfowl season,  
November 7-November 29;  
December 12-January 12.

MR. SMITH: Our last item, Mr. Chairman,  
we have a lease agreement which has been signed  
by the president of the Boise Southern Lumber  
Company which we would offer to the Commission  
for consideration. The lease agreement would add  
960 acres to the existing Sabine Wildlife Manage-  
ment Area. This will fill the boundary out to  
one of the major roads. It will make the boundary  
maintenance easier and will provide more hunting  
in the area. I would recommend the approval of  
this lease agreement.

MR. KYLE: I so move.

MR. WRIGHT: I second.



THE CHAIRMAN: Moved by Mr. Kyle,  
seconded by Mr. Wright. Is there any discussion?  
Any objection?

(No response)

Hearing none, so ordered.

MR. WALKER: Mr. Chairman, in line  
with this line of thought, I'd like to pose a  
question and just have it clarified that there is  
an open duck season on the Sabine Management Area.

MR. SMITH: Yes, sir.

MR. WALKER: I just wanted it recorded  
in the meeting.

(The text of the resolu-  
tion is here made part  
of the record.)

WHEREAS, the Boise Southern  
Company has agreed to lease to  
the Louisiana Wild Life and  
Fisheries Commission 960 acres  
of land located in Section 11,  
12, and 13, Township 7 North,  
Range 12 West, and

WHEREAS, this additional land will add to the existing Sabine Wildlife Management Area and provide additional hunting opportunity, and

WHEREAS, this land is being offered for lease at no cost to the Louisiana Wild Life and Fisheries Commission,

THEREFORE BE IT RESOLVED that the Director of the Louisiana Wild Life and Fisheries Commission be directed to enter into an agreement with the Boise Southern Company to add the 960 additional acres to the Sabine Wildlife Management Area.

THE CHAIRMAN: Mr. Hoffpauer, you have got some alligator skins?

MR. HOFFPAUER: Yes, sir. To make a long story short, I'll let George Stringer brief you on this but I'll brief you on George's brief.





I think we have got 409 alligator skins that belong to Mr. Mares, or thereabouts, and we are directed by the Louisiana Supreme Court to return these alligator skins to Mr. Mares. Some of the implications are that Mr. Mares can't possess alligator skins under four feet in length so, therefore, whether the Supreme Court of Louisiana or the Louisiana Wild Life and Fisheries Commission is turning the ball over again and perpetrating a crime with Mr. Mares is a matter to be seen.

One way that we can give the skins back to Mares is by special permit. That makes it legal under Act 262 -- I mean Statute 262, Paragraph 262 -- that he can possess these skins with a special permit. Because of the law enforcement implications and so forth, the applicants are, so to say, of the federal court that we don't put these skins out on the market, so to say, which Mr. Mares could sell them. I don't know where he could sell them but if he could find a buyer from somewhere he could sell them.



These skins are considered illegal by the enforcement personnel of the Louisiana Wild Life and Fisheries Commission. They are considered illegal by me. They are considered illegal by the federal government. So, therefore, if you choose to issue Mr. Mares a special permit to possess these skins, which the Louisiana Supreme Court says that we must return to him, I suggest that you issue the permit with these stipulations that he can possess these skins but in no way trade them, sell them or give them away. That would end all of that, if we could.

MR. KYLE: They would be available for inspection by the Commission.

MR. HOFFPAUER: Well, they'd have to be tagged.

MR. WINFREE: Mr. Hoffpauer, who is paying the storage on these skins?

MR. HOFFPAUER: We have paid the storage.

MR. WINFREE: How much is the storage?

MR. HOFFPAUER: I have no idea. I'd have to ask Larry Cook. Four hundred and nine



skins is not a large lot. There are small skins. As a point of information, how many of these skins are, do you know, four feet and under?

MR. COOK: We have an inventory. I think the enforcement people have the inventory.

MR. HOFFPAUER: Who? Jim, have you got that inventory handy?

FROM THE FLOOR: It's in the office.

MR. HOFFPAUER: All right. Have you got it? All right. Let's look at it just a second, if you will.

MR. COOK: I have a copy.

MR. HOFFPAUER: Have you got it?

MR. WINFREE: What you are saying is that the Supreme Court of the State of Louisiana tells you that we have got to return the skins to this man?

MR. HOFFPAUER: Unequivocally, yes, sir. That's their decision. That's as far as you can go unless you want to go to the United States Supreme Court.

MR. WINFREE: And then we turn around



and give them back to him and we are being part of a crime, is that correct?

MR. HOFFPAUER: Well, we are part of it. I mean that would be a moot question but Mr. Mares would have, Mr. Winfree, illegal skins in his possession and we would have no other choice but to act again, which I think would be almost ridiculous.

MR. KYLE: What are we going to do if he refuses to take them?

(Laughter)

MR. HOFFPAUER: You know, Mr. Kyle, I just don't know. I haven't thought about that.

MR. WRIGHT: Would we be in contempt of court if we took no action?

MR. HOFFPAUER: Yes, sir.

MR. WRIGHT: Then give him back his skins.

MR. COOK: There are six different containers, Mr. Hoffpauer. It's hard to tell if these are all the hides in the containers from this particular case but they vary in

length. Now, some of them -- one container carries 27 hides and these are supposed to be seven feet. One is 50 hides and these are six feet. Container Three has some 50 hides varying from five feet to eight. We have Container Four; it has approximately 120 hides varying in length from two feet on up.

MR. WALKER: Up to what?

MR. COOK: The maximum there was ten feet. Container No. 5, approximately 110 feet, I mean 110 hides varying in length from two feet up to the maximum of five. Container No. 6 has 114 hides, from two feet in length on up to 10 feet in length. Some of the offenses occurred because of the tags.

MR. HOFFPAUER: They are all -- I was thinking of another bunch we have, but nobody can possess alligator skins at all now unless they have a special permit from the Commission. The Supreme Court says you have got to give these skins back to that man so therefore you can go out and make another case against him which I think is rather ridiculous. Now, if we turn these



skins over without a permit, gentlemen, it certainly defeats our law enforcement program, the alligator laws that we just had passed recently in the legislature.

THE CHAIRMAN: Let me make a suggestion. Why don't we give him the skins, like you say, with a permit. If we are going to put conditions one of the conditions is that he pay that storage bill that we have got, and if you don't want to do that, then we just give him all of his skins back and tell our enforcement people, "Now go get the skins," and then we can sell them and get our money back.

MR. WRIGHT: Let me ask you something. Can't we do that and then let him destroy all the undersized skins, burn them or something?

MR. HOFFPAUER: Clay, you can't possess any skins, period.

MR. WRIGHT: They won't be possessed after they are burned.

MR. HOFFPAUER: Are you going to stay there and watch him burn them?

MR. WRIGHT: No, it might smell too bad.



MR. WINFREE: Mr. Chairman, I think we have to go by what the Court says. I think that our attorneys should prepare the necessary permits languaged that under the direction of the Supreme Court of the State of Louisiana, and cite the case or whatever it is, the Wild Life and Fisheries Department is returning these skins to whoever this man is with these reservations and then point out that the situation as to where he would be guilty of possession of these skins and that would be as far as we could go.

MR. WALKER: What were the original charges?

MR. HOFFPAUER: I don't know, to tell you the truth. Let George give you the history on that.

MR. STRINGER: I have prepared a brief rundown on this case. The case started June 23 of '66 and there were four charges filed by our agent at that time. They were for illegal possession of 409 alligator skins and for possessing raw, green alligator skins during the closed



season, and failing to file proper forms pertaining to the possession of the raw alligator skins which were in their possession, and failing to properly tag these skins for shipment in a closed season without a proper permit.

Now, the charges were filed with the District Attorney's office. Now once that is done, it's up to the District Attorney to either go ahead and proceed forward with the case or else to refuse to accept it or to nolle prosequi.

In this particular case, approximately December of 1966, the charges were nolle prossed by the District Attorney's office. Now, this is after our agent turned the evidence over to the District Attorney's office. In the meantime, these skins were being stored here at New Orleans Cold Storage. Then, on November 30 of '67, there was a civil suit filed by the Mares brothers to have the skins returned. This case went up to the Court of Appeal and the Court of Appeal ruled at that time that the skins did not have to be returned because description had not run on





the filing, on the prosecution of criminal charges. I was not handling the case at the time. Mr. Frank Gibson was handling it and he attempted to get the District Attorney to accept charges again but this was not done so then in May of 1969 there was another suit brought.

Now, this was after the description had run in regard to criminal charges. At this time, this district court ruled that the Commission had to return the skins because of the fact that they were no longer to be used in evidence in any criminal case. They didn't decide on the legality of the skins one way or the other. This was subsequently affirmed by the Court of Appeals who said the skins had to be returned. Then we applied for writs to the Supreme Court, which upheld the two lower courts, saying that we had to return the skins to the plaintiffs, Rene Mares and his brother Joe. This is where we stand at this time.

They never did decide on the legality of the skins; they just said we had to return them



because they were no longer to be used as evidence in a criminal case.

MR. WINFREE: What if you return the skins to another parish and then have him arrested and have another District Attorney file charges?

MR. STRINGER: The Supreme Court didn't go into that. They just merely said --

MR. WINFREE: I know they didn't. I am just asking what's the matter with that. Get another D.A. somewhere and file over again.

MR. STRINGER: That's a possibility I imagine, insofar as possession goes, but --

MR. WINFREE: All the Supreme Court is telling us is to return these skins. It doesn't say we can't return them in East Baton Rouge or Lafayette or whatever, does it?

MR. STRINGER: No, but the skins are here in New Orleans, in the cold storage plant. If they don't direct us to return them in any particular place, this is correct.

MR. WINFREE: Mr. Chairman, how many courts did this thing go through?



MR. STRINGER: This has been here, well, the lower courts and the District Court and the Court of Appeal and the Supreme Court. It has gone twice through those. The first time the courts said that the description had not run on the criminal charges, that we did not have to return the skins, and once the descriptive period had run. Well, then we went the route again through the District Court, the Court of Appeals and the Supreme Court. At that time they said that the Commission had to return the skins.

MR. WRIGHT: Mr. Chairman, since the Supreme Court has ruled that we have to give them back, I make a motion that we give the man his skins back because we have to under the conditions that the director has already stated.

THE CHAIRMAN: Is there a second to that motion?

MR. KYLE: I second it.

MR. HOFFPAUER: Now, this man's going to have these skins till he's dead and gone, even when there is an open season. You gentlemen don't



want to let him out or anything?

THE CHAIRMAN: Well, if you have an open season, he's authorized to sell them.

MR. HOFFPAUER: You are going to put that in the permit? The only problem now is that it would really hurt the law enforcement program to have these skins on the market, for the whole U. S., not just Louisiana. There is no telling where these skins would turn up.

THE CHAIRMAN: Well, it's my impression that you are going to tell him he can't sell them or anything else until a legal season is declared. Once that's declared, he's just like anybody else.

MR. HOFFPAUER: Are we through with alligator business?

THE CHAIRMAN: Is there any further discussion?

MR. WINFREE: I think you better get that point clear, Mr. Chairman.

THE CHAIRMAN: As I understand the motion, we give Mr. Mares his skins back and that we issue a permit to him to possess the skins but he's not to sell them, trade them or

give them away or do anything with them. He's to keep them.

MR. KYLE: And they will be available for Commission inspection.

THE CHAIRMAN: And they will be available for Commission inspection, period. We can face the business about him selling them later. If there is an open season, let him come back and ask to change his permit so he can sell them. Is there any discussion on that?

(No response)

Is there an objection:

(No response)

MR. DUFFY: Mr. Chairman.

THE CHAIRMAN: Yes, sir.

MR. DUFFY: Mr. Chairman, I don't know if I am in order at this point to make this observation.

THE CHAIRMAN: You sure are.

MR. DUFFY: I would recommend that this be done unless we can't part from these skins in a civil proceeding. My understanding, from listening to Mr. Stringer deal with the history



of this case, is that the Supreme Court has said that we have no right to withhold these skins as no criminal proceeding is pending and these skins are evidence in a criminal proceeding. I understand that there is severance that is to be levied and paid by dealers in skins and furs and it is my understanding that this severance has not been paid and generally there isn't any payment of severance tax by those who are unlawfully possessing the skins and there may be the possibility, although I don't hold myself up to give the Commission this hope, but there may be the possibility that a civil forfeiture might be in order for non-payment of revenues that are due on these skins.

THE CHAIRMAN: Is it a matter for the Revenue Department to handle or us?

MR. DUFFY: Well, I think it's not a question of whether or not it's really a revenue matter. It's a severance tax. We classify it as a tax and we are charged with the responsibility of collecting it as a revenue only insofar as



the state is concerned, but this might be a possibility that the Commission might want to consider. Otherwise, I think that Mr. Hoffpauer's recommendation is certainly in order. We have no right to hold them, really.

MR. WRIGHT: Let's give them back. We are ready to vote on it.

THE CHAIRMAN: Any discussion? We have had the motion. It has been seconded. Any objection?

(No response)

So ordered.

MR. WINFREE: Is there any doubt about the skins being in a condition to be used now? He can't turn around and sue us for ruining his skins?

THE CHAIRMAN: I don't know.

MR. STRINGER: We had an inspection, I think. They told me the skins were in good shape, good condition. This was just a verbal conversation.

THE CHAIRMAN: Ted, Mr. O'Neil, two



months ago we asked you to make an inspection of the nutria problem west of the Calcasieu Lake. Have you done that?

MR. O'NEIL: Mr. Chairman, we sure have. Mr. Thomas and I went out and examined the area and there is a tremendous rat population trying to come back in the state and especially on the areas west of the Calcasieu River. It has been our experience in the past three or four years that land does not hold up as it did in the past under the pressure from both nutria and muskrat.

I would like to try an experimental nutria control trapping west of the Calcasieu River and keep a real close check on some of those rat areas and see if we can't prolong the rat cycle, see if we can't hold a rat peak over a five-year period rather than a one- and two-year period.

It seems that the nutria have bothered the rat trapping and kept the rats underground and the rats will eat out the marsh underground





before the trapper really knows what's happening. We haven't had enough time and enough trappers. We have asked for an extended season two or three different times, so I recommend, if we could get out there, get trapping started around the 15th of November for nutria only, west of the Calcasieu River and keep a close check on it and see if it won't aid in preventing rat eat-outs.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. WRIGHT: I so move.

MR. WALKER: I second.

THE CHAIRMAN: Moved by Mr. Wright, seconded by Mr. Walker. Is there any further discussion? Any objection?

(No response)

Hearing none so ordered.

Mr. Hoffpauer, did you have anything else?

MR. HOFFPAUER: I'd like to announce at this time that Leonard New last week announced that he'd like a voluntary stepdown from Enforce-

ment Chief on account of pressures in health. At This time I am appointing Active Chief Hugh Roberts -- Hugh, would you stand up? (Mr. Roberts complying) -- until civil service can give an exam and select a chief either within our outfit or other outfits. I understand now the new service regulations state that it's a state-wide organization; you can't restrict it just to the Louisiana Wild Life officials.

MR. WALKER: This must have been a real recent ruling then, within the last two or three weeks.

MR. HOFFPAUER: Right.

MR. WALKER: Because we had another case on the Sabine Game Management Area and --

MR. HOFFPAUER: I am not sure when it went into effect. That's all I have.

THE CHAIRMAN: Mr. Boesch, Charlie, you had something you wanted to say?

MR. BOESH: No. I wanted to discuss it yesterday but I already did this morning.

THE CHAIRMAN: Good, good. Thank you. Yes, sir.

MR. FINCH: Mr. Chairman, members of the Commission, I am Luther Finch from Tangipahoa Parish and we are here to ask you if you will discontinue the hunting season on deer in Tangipahoa Parish, in Tangipahoa River north of 190 and east of I-55. That's about 40 miles from Hammond to the state line road.

MR. KYLE: What's the reason?

MR. FINCH: We don't have enough deer here to open season on. We just feel like it would be just a slaughter if we would open season with no more deer than we have and I think another year would give us some --

THE CHAIRMAN: Let me hear from Mr. Kenneth Smith about that. I think we have had some discussion on it and he probably can refresh our minds.

MR. SMITH: Mr. Chairman, we have had our recommendations from our field people in this area who have checked this deer and turkey population out in Tangipahoa Parish. We know a lot of Tangipahoa Parish is cultural, a lot of



dairy land over there, a lot of the parish probably never will support a deer-turkey population, but areas such as this are often included in overall inclusive regulations and we feel that, after everything checked out, that in this case, that if Tangipahoa Parish were granted the same season as the adjacent parish -- it is an advantage to have a pretty much uniform season in these areas -- we feel that the population of both deer and turkey is adequate for the season as presently established.

MR. WINFREE: Do you have an estimate on the deer population?

MR. SMITH: No, sir. We couldn't give you one, Mr. Winfree. We have no way of coming up with an estimate of it.

MR. WRIGHT: But you do feel like if you don't take anything except bucks off the area --

MR. SMITH: This is a bucks-only season and a gobblers-only and a legal harvest would not detrimentally affect the area.



FROM THE FLOOR: I am from Kentwood. They claim that they have made a pretty good survey on the deer and there isn't a whole lot of deer in there, and if they can just get that closed for one year, that there would be enough deer in there to take care of it.

THE CHAIRMAN: I have a suggestion. Maybe you all ought to go out there with some of our people. You all could go out there together and show them the evidence you have.

MR. SMITH: Well, we could. I would want to say that probably where we did stock some deer in that area -- we started putting deer I believe around Kentwood and that area about '63. I believe we began restocking deer and, of course, that part of Tangipahoa Parish has been closed for years and years. Not in recent years has this area been opened above 190. This is the first season that that area would have in that part of the woods. That is true.

FROM THE FLOOR: Well, would there be any change in letting it be still?



MR. SMITH: Well, this season is established and frankly we think still hunting offers a lot of hunting opportunities in many of these sparsely populated, lightly wooded areas but the season, the deer season, has been set at this time and maybe we could go in and talk about it this year and maybe look at it again next year.

FROM THE FLOOR: I believe we had a resolution from the Police Jury and, as President of the Board, I believe we had a resolution sent to the Wild Life Commission.

MR. SMITH: Yes, sir, and you had a petition with about 94 names on it. We feel sincerely that the Parish could withstand a season. We would not want to harm the game population over there because we are in the business of providing you folks recreation in this area.

We certainly want to work with you but in this case we honestly feel the deer and turkey could take the season this year, and we will certainly work with you in any way to try to see



this thing goes through right to help with the enforcement people on this thing, but it is set and we would like to see the season remain as it is set this year. We understand your concern but we would like to see it remain this year.

FROM THE FLOOR: Probably get it closed another year?

MR. SMITH: Well, I believe you will find this season will go pretty well and maybe we might go ahead and make this season and take a look at it but with a legal harvest of bucks only.

You see, you are only removing the legal bucks, you are not harming your breeding does in here, and the removal of these animals is in no way detrimental to a deer herd, the same way with the gobblers. I know you have a pretty good turkey population along Tangipahoa River. A lot of the parish won't support turkey; I think not the northeastern portion of the parish. You have some and along the Piney Wood country and the northwestern part, I think, you



have turkeys there in Tangipahoa River. You do have them so I feel that this season could continue as it's set without detrimentally hurting the population over there.

THE CHAIRMAN: Let's give it a try and see what happens.

MR. WRIGHT: And if it hurts anything --

FROM THE FLOOR: It's going to near about ruin them, I can tell you that.

THE CHAIRMAN: Is there any more business to come before the Commission?

(No response)

Do I hear a motion to adjourn?

MR. WALKER: On our motion to adjourn, I request you stipulate the days we are going to meet again.

THE CHAIRMAN: I'm sorry. In the next month we are going to meet a week early. We are going to meet on November 16 and November 17. Our regular meeting will be Tuesday at 10:00 o'clock, the 17th of November. We have not set December yet because of the Christmas holidays.





. . . Thereupon, at 12:00  
o'clock noon, Tuesday,  
October 27, 1970, the  
meeting of the Louisiana  
Wild Life and Fisheries  
Commission was adjourned. .



I, the undersigned reporter, DEBRA L. ROOKS, DO HEREBY CERTIFY that the above and foregoing ( 105 pages of typewritten matter) is a true and correct transcription of the stenographic (Stenotype) notes of the Wild Life and Fisheries Commission Board Meeting, taken by me and transcribed under my supervision, at the Wild Life & Fisheries Building, 400 Royal Street, New Orleans, Louisiana at 10:00 o'clock a.m. on Tuesday, October 27, 1970.

*Debra L. Rooks*  
R E P O R T E R

